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09/840,209	04/23/2001	Jin Lu	US 010191	3948

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EXAMINER

BOCCIO, VINCENT F

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/840,209

Applicant(s)

LU, JIN

Examiner

Vincent F. Boccio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

***Response to Arguments***

1. Applicant's arguments filed 9/20/04 have been fully considered but they are not persuasive.

{A} In re page 6, "Applicant's does not believe that of the foregoing amendment will result in the introduction of new matter."

In response, claims 1-16 have been rejected under 112 Para 1, being new matter, the examiner requires applicant to support the amendment to the claims based on the disclosure as originally filed.

Applicant has made no attempt to identify support for the amendment to claims 1-16, wherein the examiner now requires applicant to cite support in the originally files disclosure for support.

The primary examiner does not see in Fig. 1, wherein the broadcast facility has any filter, the filter is only located in Fig. 4, local filtering.

{B} In re page 6 and again on page 8, applicant states, "The applicant ... asserts that the official notice taken by the examiner is in error. It is not well known to provide the order transmission as defined by the rejected claims ... claims provides an advancement in the art of data casting."; and "request the examiner provide at least one prior are reference".

In response, the examiner knows the art, it is noted that on page 6, applicant firstly mentions Official Notice taken by the examiner, claims 17-20, rejected in the later half of the examiner's action and again the same on page 8.

In response, official notice was taken on "first, second and third queues, for all, multicast and uni-cast", claims 17 and 18.

The examiner cites, Harriman et al. (US 5,898,687), CISCO Systems, filing date 7/1996, which in Fig. 3, shows multicasting and uni-casting, queues, having priority, being

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lowest and highest, rendering obvious the utilizations of Queues in a system that does uni-casting and multicasting.

The examiner states for the record, the only reason the examiner took official notice is that the Motorola was silent about the utilization of queues, wherein the examiner realizes that to some skilled in the art, with a depth of understanding with Motorola in from of themselves, may consider the queues a requirement in view of what is disclosed in view of page 10, inserting or injecting or encoding, data-casting files to a stream, by removing null packets from a stream, because the system looks for opportunities to insert the data files, therefore, the data would be waiting being in queues dictating an order of data to be sent, which is inherent if not obvious, as those skilled in the art would understand.

The examiner also provides other references for the record.

Bonomi et al., 6,219,352 CABLETRON SYSTEMS, filed 11/1997.

Lahat, 6,201,792, 3COM CORP., filed 5/1998, both also using multicasting queues, as is well known in the art.

{C} In re pages 6-8, applicant states, in summary, the Motorola reference does not filter at the local facility, pages 11-12, wherein the content filter is at the PC, "Motorola does not address filtering ... contained within the local broadcast facility."

In response the Motorola reference, in view of Fig. 5, filters content at the BROADCAST site or local broadcast see Antenna, which targets, therefore, filters, based on received personal preferences, demographic, which is received through the INTERNET.

The examiner respectfully requests applicant to explain why, personally preference and other data, viewer demographics, data would be routed back to the local broadcaster???

For what purpose??

The examiner would like applicant to further analyze page 5, block, "Data casting and Advertisements, Start time, End time, rotation and frequency" and "SCHEDUALING", please explain, why this has nothing to do with ordering the data cast data,

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further see rotation and frequency but, no ordering????????????????

It is further noted that the user's PC can do some sort of filtering based on page 8, "a program tailored to his interests when he logs on. Target advertising is an obvious example of these features. Two different people log in into the same data-cast would see their PC bring up a different set of advertisements based on the user's individual demographics, purchase history and stated preferences", therefore, it can be said that the broadcaster filters based on the information, when targeted advertising, each user's PC filters also their own content directed to them, also identified at the user PC for them or each user, after a careful reading of the reference.

Further it is noted that applicant refers to the system as being interactive or interactive viewing, therefore, content filtering at the PC.

According to page 11, Data cast service seem interactive", the reason is that it is not directly interactive, but, data casting information is filtered page 11, "USER Profile", "User profiles can reduce the amount of memory required to satisfy a particular's needs by filtering out data files of the Data cast that are outside the user's range of interests, therefore, the local broadcaster with preference and other information, dictates or filters received content, to target users or user Ids, wherein the user's PC filters based on the target ID, as disclosed.

Further page 4 also supports selective sending of data-casting, based on "selected portions", "subscriptions", "demographics", even user inquire, therefore, data casting is provided based on those attributes, therefore, content is filtering by determining what to send.

{D} In re page 8-9, applicant states, "There is no disclosure or suggestion caching prior to broadcasting ... There is no disclosure, or suggestion, within Motorola for the provision of multiple caches".

In response, what claims are being argued, there is no recitation of Cache in the claims.

Further, in view of Motorola, since data is SCHEDULED, rotated, having start and end times, page 6, "MOST of this content is cached on a server where it can be branded and

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scheduled for broadcast", it is stored, in combination with "everybody received same service" or MULTICASTING, "where portions of the service are tailored to be interests", therefore, filtered and UNICASTING, targeted to a specific PC, also filtered, these three type of data sending are deemed to operate on the one system, wherein each would be SCHEDULED, branded even cached or stored, such in a queue to await the insertion, when it can be done by removing null packets.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The primary examiner does not see in Fig. 1, wherein the broadcast facility has any filter, the filter is only located in Fig. 4, local filtering, further Applicant has made no attempt to identify support for the amendment to claims 1-16, wherein the examiner now requires applicant to cite support in the originally filed disclosure for support.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motorola "Integrated Data-casting Solutions for Digital TV (6/1999) in view of Ballard (US 6,182,050).

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motorola "Integrated Data-casting Solutions for Digital TV (6/1999) with Official notice on queues.

The examiner incorporates by reference the last action against the claims.

The previous rejection incorporated by reference, the combination supports filtering at a local broadcaster (Motorola), wherein the combination renders obvious, filtering locally to provide privacy to users, still applicable to the amended claims.

#### Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### Contact Fax Information

Any response to this action should be faxed to:


(703) 872-9306, (for communication intended for entry)

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Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Tuesday & Thursday-Friday, 8:00 AM to 5:00 PM Vincent F. Boccio (571) 272-7373.

Primary Examiner, Boccio, Vincent  
5/31/05

  
VINCENT BOCCIO  
PRIMARY EXAMINER